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10/816,121

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Egan Schulz

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EXAMINER

GODBOLD, DOUGLAS

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/816,121	<b>Applicant(s)</b> SCHULZ, EGAN	
	<b>Examiner</b> DOUGLAS C. GODBOLD	<b>Art Unit</b> 2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 August 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 39-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 39-49 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This Office Action is in response to correspondence file August 12, 2008 in reference to application 10/816,121. Claims 1-11 and 39-49 are pending and have been examined.

#### ***Response to Amendment***

2. The amendment filed August 12, 2008 have been accepted and considered in this office action. Claims 1 and 39 have been amended, and claims 20-30 have been cancelled. The rejections under 35 U.S.C. 112 have been withdrawn.

#### ***Response to Arguments***

3. Applicant's arguments filed August 12, 2008 have been fully considered but they are not persuasive.

4. With regards to applicant's arguments, see Remarks pages 10-13, that Protools does not teach "...wherein said input includes selection of the first time point and dragging from the first time point to the second time point; generating an initial selection overlay comprising an area of said timeline component and said waveform component that starts at said first time point and ends at said second time point," the examiner respectfully disagrees.

Applicant's attention is directed towards page 209, the Timeline Selections section. Step 2 of "to make a timeline section with the selector" teaches specifically

"Drag the Selector in any Time base Ruler" and is shown in the figure directly bellow this. This is clearly "wherein said input includes selection of the first time point and dragging from the first time point to the second time point within said timeline component." This figure on 209 also shows an overlay on the timeline component that is created by user selection. This figure does not show, however, an overlay created in the waveform component. However as discussed on page 209, Edit and timeline selections may be linked, and therefore timeline and edit (i.e. track selections) are mirrored. Page 215 shows an edit selection in which both the timeline and the track have an overlay. Given this interpretation, Protools does in fact teach, "...wherein said input includes selection of the first time point and dragging from the first time point to the second time point; generating an initial selection overlay comprising an area of said timeline component and said waveform component that starts at said first time point and ends at said second time point"

5. With regards to applicant's arguments, see Remarks page 13, that in Protools does not teach generating a visual representation on said timeline component and waveform component upon receiving said input to said timeline component, the examiner respectfully disagrees. As shown on page 209, the figure that demonstrates dragging the selector, the start arrow was placed where the drag began, and the end arrow has yet to be produced, as the drag is still in progress. Furthermore the change of color of the overlay is further a "visual representation on said timeline component and waveform component." Therefore Protools teaches the limitations of claims 5 and 43.

***Claim Rejections - 35 USC § 102***

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
7. **Claims 1-10, and 39-52** are rejected under 35 U SC 102(a) as being anticipated by Digidesign Pro Tools Reference Guide ("PRO TOOLS")
8. Regarding **claim 1**, PRO TOOLS teaches a method for manipulating at least one audio file via a graphical user interface comprising:
  - displaying a timeline component having a set of time points indicative of a duration of an audio file (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the top bar shows time points);
  - displaying a waveform component having graphic elements that visually represent characteristics of said audio file over said duration (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the waveform is of an audio file);
  - obtaining input to said timeline component where said input identifies a first time point and a second time point of said set of time point (Page 209, Timeline sections section), and where the first time point and the second time point are identified by a user utilizing an input device to select, within said timeline component, the first time point and the second time point, wherein the input includes selection of the first time point and dragging from the first time point to the second time point. (Step 2 of "to make

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a timeline section with the selector" teaches specifically "Drag the Selector in any Time base Ruler);

generating an initial selection overlay comprising an area of said timeline component (see figure on page 209) and said waveform component that starts at said first time point and ends at said second time point (The figure on page 209 does not show an overlay created in the waveform component. However as discussed on page 209, Edit and timeline selections may be linked, and therefore timeline and edit (i.e. track selections) are mirrored. Page 215 shows an edit selection in which both the timeline and the track have an overlay);

wherein generating said initial selection overlay is performed in response to obtaining said input (see p. 200, "when you make a selection, it appears as a highlighted area of the track"); and

9. Regarding **claim 2**, PRO TOOLS further teaches that said characteristics of said audio file is amplitude (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the waveform is a well-known amplitude vs time plot of an audio signal).

10. Regarding **claim 3**, PRO TOOLS further teaches that said area of said selection overlay is highlighted (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the waveform in the selected region is highlighted).

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11. Regarding **claim 4**, PRO TOOLS further teaches that said set of time points represents intervals of time (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the top bar shows an interval of time points).

12. Regarding **claim 5**, PRO TOOLS further teaches:

generating a visual representation on said timeline component and said waveform component upon receiving said input to said timeline component (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the two arrows on the top bar identify the two time points and the waveform in the selected region is highlighted).

13. Regarding **claim 6**, PRO TOOLS further teaches that said visual representation indicates a start point of said selection overlay (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the down arrow in the top bar indicates the start point).

14. Regarding **claim 7**, PRO TOOLS further teaches that said visual representation indicates an end point of said selection overlay (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the up arrow in the top bar indicates the end point).

15. 14. Regarding **claim 8**, PRO TOOLS further teaches:

performing at least one special function to said area of said audio file associated with said selection overlay (see p. 215, figure labeled "Dragging to another track with Separation Grabber", the highlighted selection is copied to another timeline).

16. Regarding **claim 9**, PRO TOOLS further teaches that said at least one special function comprises a copy operation (see p. 215, figure labeled "Dragging to another track with Separation Grabber", the highlighted selection is copied to another timeline).

17. Regarding **claim 10**, PRO TOOLS further teaches that said copy operation comprises generating a new instance of said area within said selection overlay (see p. 215, figure labeled "Dragging to another track with Separation Grabber", the highlighted selection is copied to another timeline).

18. Regarding **claim 39**, PRO TOOLS teaches a computer-readable storage medium ("on Macintosh or Windows", title page) storing computer readable program code for manipulating at least one audio file via a graphical user interface, said computer readable program code comprising computer program code configured to cause a computer to:

display a timeline component having a set of time points indicative of a duration of an audio file (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the top bar shows time points);



display a waveform component having graphic elements that visually represent characteristics of said audio file over said duration (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the waveform is of an audio file);

obtaining input to said timeline component where said input identifies a first time point and a second time point of said set of time point (Page 209, Timeline sections section), and where the first time point and the second time point are identified by a user utilizing an input device to select, within said timeline component, the first time point and the second time point, wherein the input includes selection of the first time point and dragging from the first time point to the second time point. (Step 2 of "to make a timeline section with the selector" teaches specifically "Drag the Selector in any Time base Ruler);

generating an initial selection overlay comprising an area of said timeline component (see figure on page 209) and said waveform component that starts at said first time point and ends at said second time point (The figure on page 209 does not show an overlay created in the waveform component. However as discussed on page 209, Edit and timeline selections may be linked, and therefore timeline and edit (i.e. track selections) are mirrored. Page 215 shows an edit selection in which both the timeline and the track have an overlay);

wherein said initial selection overlay is generated in response to obtaining said input (see p. 200, "when you make a selection, it appears as a highlighted area of the track"); and

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19. Regarding **claim 40**, PRO TOOLS further teaches that said computer program code configured to cause said computer to display said waveform component further comprises computer program code configured to cause said computer to display a data amplitude of said at least one audio file (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the waveform is a well-known amplitude vs time plot of an audio signal).

20. Regarding **claim 41**, PRO TOOLS further teaches that said computer program code configured to cause said computer to generate said selection overlay further comprises computer program code configured to cause said computer to highlight said selection overlay (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the waveform in the selected region is highlighted).

21. Regarding **claim 42**, PRO TOOLS further teaches that said computer program code configured to cause said computer to obtain input to said timeline component further comprises computer program code configured to cause said computer to represent intervals of time (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the top bar shows an interval of time points).

22. Regarding **claim 43**, PRO TOOLS further teaches: computer program code configured to cause said computer to generate a visual representation of said timeline component and said waveform component upon receiving said input to said timeline

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component (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the two arrows on the top bar identify the two time points and the waveform in the selected region is highlighted).

23. Regarding **claim 44**, PRO TOOLS further teaches that said computer program code configured to cause said computer to display said waveform component further comprises computer program code configured to cause said computer to indicate a start point of said selection overlay (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the down arrow in the top bar indicates the start point).

24. Regarding **claim 45**, PRO TOOLS further teaches that said computer program code configured to cause said computer to display said waveform further comprises computer program code configured to cause said computer to indicate an end point of said selection overlay (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the up arrow in the top bar indicates the end point).

25. Regarding **claim 46**, PRO TOOLS further teaches: computer program code configured to cause said computer to perform at least one special function with respect to said area of said audio file associated with said selection overlay (see p. 215, figure labeled "Dragging to another track with Separation Grabber", the highlighted selection is copied to another timeline).

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26. Regarding **claim 47**, PRO TOOLS further teaches that said at least one special function comprises copying data associated with said selection overlay (see p. 215, figure labeled "Dragging to another track with Separation Grabber", the highlighted selection is copied to another timeline).

27. Regarding **claim 48**, PRO TOOLS further teaches that said computer program code configured to cause said computer to perform said at least one special function further comprises computer program code configured to cause said computer to generate a new instance of said area within said selection overlay (see p. 215, figure labeled "Dragging to another track with Separation Grabber", the highlighted selection is copied to another timeline).

***Claim Rejections - 35 USC § 103***

28. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

29. **Claims 11, 30, and 49** are rejected under 35 U.S.C. 103(a) as being unpatentable over PRO TOOLS in view of Sound Forge 6.0 Users Manual ("SOUND FORGE").

30. Regarding **claim 11**, PRO TOOLS does not specifically teach that said new instance comprises a second timeline component and a second waveform component

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comprising a portion of said audio data associated with said area within said selection overlay.

In the same field of audio editing, SOUND FORGE teaches said new instance comprises a second timeline component and a second waveform component comprising a portion of said audio data associated with said area within said selection overlay (Page 58, new audio files can be created by copying data to a new data window. Data windows are shown on page 53, which contains both a timeline portion and a waveform component).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the copying into new files function of SOUND FORGE with the system of PRO TOOLS in order to allow new sound files to be created easily and conveniently.

31. Regarding **claim 30**, PRO TOOLS does not specifically teach that said new instance comprises a second timeline component and a second waveform component comprising a portion of said audio data associated with said area within said selection overlay.

In the same field of audio editing, SOUND FORGE teaches said new instance comprises a second timeline component and a second waveform component comprising a portion of said audio data associated with said area within said selection overlay (Page 58, new audio files can be created by copying data to a new data

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window. Data windows are shown on page 53, which contains both a timeline portion and a waveform component).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the copying into new files function of SOUND FORGE with the system of PRO TOOLS in order to allow new sound files to be created easily and conveniently.

32. Regarding **claim 49**, PRO TOOLS does not specifically teach that said new instance comprises a second timeline component and a second waveform component comprising a portion of said audio data associated with said area within said selection overlay.

In the same field of audio editing, SOUND FORGE teaches said new instance comprises a second timeline component and a second waveform component comprising a portion of said audio data associated with said area within said selection overlay (Page 58, new audio files can be created by copying data to a new data window. Data windows are shown on page 53, which contains both a timeline portion and a waveform component).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the copying into new files function of SOUND FORGE with the system of PRO TOOLS in order to allow new sound files to be created easily and conveniently.

***Conclusion***

33. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DOUGLAS C. GODBOLD whose telephone number is (571)270-1451. The examiner can normally be reached on Monday-Thursday 7:00am-4:30pm Friday 7:00am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard can be reached on (571) 272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DCG

/Patrick N. Edouard/

Supervisory Patent Examiner, Art Unit 2626